

MINUTES OF THE VIGO COUNTY COUNCIL

June 15, 2004

Sheriff Jon Marvel called the meeting to order at 7:05 p.m.

Sheriff Jon Marvel, led the Pledge of Allegiance.

Kylissa Miller, Chief Deputy Auditor, took roll call. All members were present.

Mr. Jim Bramble, Auditor, gave the reading of the call.

Mr. Decker entertained comments about the minutes, of the May 11, 2004 meeting. Mr. Scott questioned Mr. Bramble on the staff accountant position. Mr. Scott wanted a clarification of the position that was eliminated in order to provide the staff accountant position. Mr. Bramble stated that the position eliminated was the tax sale personnel line item 412-10. Mr. Scott moves to approve the minutes as corrected to include the elimination of the 412-10 position in the auditor office. Ms. Miller duly seconds the motion.

Mr. Decker called for comments from the Council. There were no comments from the Council.

Mr. Decker called for comments from the Public. Mr. Tim Fears, county attorney presented two resolutions for Council consideration. The first resolution involves the state statute, which requires the fiscal body of the county to approve the formation of regional sewer districts. The Commissioners have been meeting for several months with the Sisters of Providence and other residence of western Vigo County to try to establish a regional sewer district to provide sewer service to that area. Many of the homes in that area are being shut down or closed by the health department as a result of the sewage problem. The County has begun the process of establishing the sewer district with the state of Indiana that has to be filed with the Indiana Department of Environmental Management. Because the state statute requires the fiscal body to approve the establishment of that district Mr. Fears has prepared a resolution 2004-3 that grants the Commissioners the authority to file it. Exhibit A was distributed to the members. This is of no cost to the county. Mr. Fears stated this would be operated by the sewer district under a rate structure that will be established. Mr. Roman moves to approve the resolution, Ms. Miller seconds the motion.

The second resolution, 2004-4, requires approval by the fiscal body on the transfer or exchange of property. The county is moving forward in developing a work release center to help relieve some of the overcrowding in the jail and other issues surrounding the criminal justice system. At this time the Commissioners are interested in transferring the highway garage located at First Street and Ohio Street to another location so that the work release center can be built in that location. Because the highway garage has been appraised for more than \$50,000, it requires the fiscal body approval. The County will do a property exchange. The Commissioners will publish notice and allow the opportunity

for individuals to come forward with property that is zoned properly and of comparable value to transfer property so that we can move the garage to a better suited location outside in the county and then construct the work release center. This resolution just provides the Council's consent for the Commissioners to move forward with that development. The property has been appraised for \$323,500. Mr. Fears stated that anyone can submit property for exchange as long as it is zoned properly and of comparable value. Mr. Roman moves for approval. Mr. Curley seconds the motion.

Mr. Mike Ellis, Vigo County taxpayer, asked the Council to pass a resolution that would prohibit this Council from using income tax revenues as a security for bond issues and recommend all other government bodies within Vigo County receiving EDIT or CAGIT funds to refrain from the same. Mr. Ellis stated that last month when he asked for this resolution to be passed that Mr. Decker indicated that he would present it to one of the council committees. Mr. Decker responded that was the EDIT tax committee. That committee met the day before, it was discussed and it was the general consensus that the committee oversees the spending of those funds and that is enough management over it. Mr. Ellis stated that in other words the Council would not recommend the prohibition of bonding of those monies. Mr. Decker stated that the Council made it evident before that they were not going to do that, they do not see a need for that. Mr. Ellis thanked the Council and did recommend that the City do the same.

Mr. Tony Miller, Director of Information Technology, presented an overview of the training provided to all departments for the new county website. He also pointed out the cameras in the council room. This is part of the Council's wish to make as much information available to the public as possible. The meetings will be recorded, digitized and put on the web with the approval of each individual board or agency. Mr. Miller will have a sample of the current meeting at the next council meeting so the Council can see what it looks like. There will be a press release with a target date of July 1, 2004. Under Other County Taxes there will be a place for EDIT, CAGIT and Wheel tax. It will work on a key word search. Mr. Decker asked when the taxes will be mailed out and if a line can be printed on the taxes to show the taxpayer exactly what has been saved on their taxes. The county has asked the state for a due date of August 10, 2004. Mr. Miller asked what figures the Council wanted on the tax bill. Mr. Scott moves to have the property tax bills state what taxpayers are saving due to CAGIT tax. Mr. Curley seconds the motion. Mr. Miller asked if the Council wanted that in a percentage or dollar amount. It was decided to be reported in a percentage value.

Mr. Decker asked for comment from the Council. Mr. Curley proposed before getting started on the consideration of the call he would like to have a cash monthly balance. Ms. Kylissa Miller stated this is distributed to all council members. Mr. Decker stated that the Council has made it clear that if they cannot have this report in a timely manner that they would like to have it when they came to the meeting. He asked if anyone else recalled that. Mr. Curley asked if that could be provided before they got started. Mr. Bramble, Auditor stated that he would provide copies of that. Mr. Decker commented that the Council does not like to write checks without seeing where they are.

Mr. Decker asked for any other comments. Mr. Decker stated for anyone interested in the Canal Road Project that he has May and June updates. Mr. Decker also provided information concerning compliance on the tax abatements he wants the public to know that the Council does follow through on the tax abatement compliances. Mr. Decker also stated that West Central will be approaching the Council next month requesting some money to do the new transportation plan. It is going to cost us more than it has in the past due to our county not reaching attainment levels on the air. If this is not done by next April, all projects will come to a halt.

Mr. Scott asked if there is a way the meeting minutes could be transcribed. It was mentioned that it was done in the past and maybe some of the guys could remember. Mr. Decker stated that it was before he was on the council when Mr. Kersey was on the Council. The Council had voted that the minutes be transcribed. Mr. Scott moves the minutes be transcribed, Mr. Curley seconds the motion. Mr. Anderson also mentions that public comments were also a part of the meeting minutes. Mr. Decker stated that it should be the complete meeting.

Mr. Roman complimented Mr. Tony Miller on a job well done on the computer presentation.

Consideration of the Call began with Mr. Curley addressing Drug Task Force Seized Asset Fund as requested by Mr. Bob Wright. Mr. Curley stated that both of these funds are not generated by tax dollars. Mr. Curley will answer any questions any Council member may have, especially 431-40 grant to police for \$8,500 to Vigo County Drug Task Force with a matching fund for 2004/2005 drug grant. Mr. Wright advised that by taking \$8,500 out of Infraction Deferral 430-10 to pay the matching fund, the federal government will send them a \$50,000 check and the local media has agreed to match that dollar for dollar which will total \$100,000 for an \$8,500 investment. The money will be used for education and prevention of methamphetamine in our community. Mr. Anderson moved to approve the appropriation, Mr. Blade seconds the motion.

Gretchen Etling, Chief Public Defender is asking for a transfer, due to investigator Greg Myers being activated to military duty, of \$2,919.28 from 412-90 Investigator to 433-30 Contractual Services to pay Frank Fennel as an investigator. Mr. Curley moves to approve the transfer, Ms. Miller seconds the motion.

Mr. Jerry Netherlain, Highway Engineer, appearing on behalf of the Cumulative Bridge Fund. Mr. Decker asked Mr. Netherlain, to explain on the subdivision entrance project how it works. He asked if the contractor puts it in initially then when it needs replaced the county replaces it, he asked just how that works. Mr. Netherlain explained generally this is how it is done but that ditch is a legal drain. We have a problem with school buses refusing to go into the entrance. The county solved that years ago and this request corrects what the county did years ago and to make it suitable for school bus entrance. This is in Rio Subdivision. It is a crossing on a legal drain.

It is time to initiate our bi-annual bridge inspection again. The county is required by

federal law to inspect all structures 20 feet and greater. We have a lot of structures in the 5-8 foot range, areas up to 20 feet that we do not even have an inventory on let alone inspected regularly. He thinks it would be a good idea to initiate an inspection for those size structures to match the inspection program for bridges 20 feet and greater. Mr. Decker asked where Bridges 323, 323A are. Mr. Netherlain identified these on Fort Harrison Road just west of 13th street. It is a four-lane road with separate bridges on each side. Mr. Decker stated that this is a reasonable cost. Mr. Netherlain stated that this is a federal aid project, a major project. A few years ago the top of one of those box beams collapsed. As a temporary measure we replaced that one beam but they were all installed at the same time. It is a heavily traveled road and the bridges were not built at the same time and the pylons on one side are not encased in concrete and are showing some signs of rust. Mr. Anderson asked if we have a bridge-cleaning program to clean salt off. We do not have such a program and Mr. Netherlain does not know if it would be cost effective.

Mr. Anderson asked if the money has been encumbered for the Canal Road Project. Are we going to be paying some from Cumulative Bridge? Mr. Netherlain replied that there was nothing encumbered, it was pretty much spent, and the Council did appropriate some money earlier this year that is either spent or in the process of being spent but no carry-over. Mr. Decker said the money has been requested here and there but that was the foremost-dedicated expense for the EDIT, we have to make sure that money is there for that. Mr. Anderson stated that we did use some of the Cumulative Bridge money for the Canal Road Project. Mr. Netherlain stated that was because there are some bridges on the Canal Road Project. Mr. Decker addressed Mr. Anderson that the \$5.2 million does not include the land acquisition and right of way. It is estimated \$2 million to \$2.5 million, our cost being around \$400,000. Typically on those kinds of projects the right of way is 100% locally funded but on this one we got permission to use federal aid for the right of way. The latest numbers from the Auditor's office is we have a balance of \$1.3 million left in the Cumulative Bridge Fund and that is before this year's revenue. Mr. Roman repeated that we do not routinely check those bridges that do not fall under the federal guidelines but that he feels we need to set up a routine plan to check these before we do get into an emergency situation. Mr. Netherlain said it is kind of done informally by the maintenance supervisor. He feels we need an actual inspection program where we can document the inspection so that we can prevent emergency situations before they happen. Mr. Roman stated that we would be awfully liable. Mr. Decker stated that the money in this fund is collected bi-annually from property taxes. Mr. Anderson moves to approve the request, Mr. Blade seconds. Mr. Netherlain explained that the items on the agenda all are right out of the plan the commissioners and the EDIT committee agreed upon with the exception of the 7th and Springhill Intersection. Mr. Decker would like to vote on the requested items one at a time. The 7th & Springhill Intersection in the amount of \$75,000 is for study and design. Mr. Decker stated this is much needed. Ms. Miller moves for the additional appropriation, Mr. Blade seconds the motion.

Next is the appropriation for Local Roads and Streets in the amount of \$750,000. Mr. Scott asked if the Council could see a list of the roads & streets scheduled for paving. Mr. Netherlain does not have a list at this time. The money will be spent on major roads.

Mr. Scott does not have a problem making a motion providing he can get a list by next month. There is a preliminary list but Mr. Netherlain does not have the list with him. Mr. Ellis, taxpayer, asked if the public could make a comment. Mr. Decker replied that only before and after the meeting is that allowed. Mr. Roman stated that the Council does have the study and the proposal given to them and that what Mr. Netherlain is saying that roads being paved pertain to or relate to economic development. Mr. Netherlain stated not primarily but exclusively relative to EDIT. Mr. Scott made the motion to approve, Ms. Miller seconds the motion. Mr. Curley stated that the Commissioners will have this in the Council mailbox by next week stating if they are asking for the money that they should have a list. Mr. Decker stated that he received a list from Mr. Lindsay stating thus far the roads that have been paved. All Council members received this list. He does account to the council very well.

Mr. Decker moved on to the Department of Redevelopment request. Mr. Bill Bryan, Vigo County Commissioner, informed Mr. Decker that there were more items on Mr. Netherlain's sheet. Mr. Decker said he was only going down the sheet from the auditor's office, he told Mr. Netherlain they would get back to him.

Mr. Steve Witt, Executive Director of the Department of Redevelopment requesting additional appropriations of \$500,000 for improvements to the primary rail spur in the Vigo County Industrial Park. Pfizer owns the existing rail, which was there at the time the County purchased the land. The agreement with Pfizer is that they will let us use the rail if we maintain it. Over the years we have done a great deal of work to the rail. It is a light gauge rail, it is 90# rail and we would like to replace it with 110# rail, do some drainage improvements and more tie work. He does not anticipate using the entire amount and at that time would come back to the council and the EDIT committee and ask if that can be applied to sealing of joints in our industrial park, which is concrete. Rail traffic is expected to continue to grow. Mr. Anderson asked what would happen if Pfizer would leave. Mr. Witt said that we have approached Pfizer on a number of occasions asking them to sell or donate the rail, they have not been interested in doing that. Worse case a new owner could tell us we could not use the rail and we would have to build our own. Mr. Witt would prefer to own it. He stated that Pfizer has been very good to work with. Mr. Blade moves to approve the request, Ms. Miller seconds the motion.

Mr. Jerry Netherlain requesting additional appropriations of \$1,250,000 for the Canal Road Project. This is all the money needed for this year. Mr. Anderson moves to approve the request, Mr. Curley seconds the motion.

Mr. Bill Bryan, Commissioner representing the Juvenile Justice Center, requesting additional appropriations of \$6,318 for a teacher for the summer months. The money for this will come from the lease agreement the County has with cable TV for use of county property. When this agreement was made it was for the exclusive use of the Juvenile Center. Mr. Curley moves to approve the request, Mr. Blade seconds the motion.

Mr. Anderson spoke on behalf of Bianca Gambill, Linton Township Trustee-Assessor, requesting additional appropriations for increase wages of \$1,000 for 411-10 for

successful completion of Level II of the State of Indiana Assessor-Appraiser Certification. Mr. Anderson moves to approve the request, Ms. Miller seconds motion.

Mr. Richard Setliff, Director Vigo County Emergency Management, requesting a transfer of \$6,375.95 into the General Fund from the dormant FEMA account. Mr. Roman moves that the FEMA account be made dormant and the money be transferred to the General Fund, Mr. Scott seconds the motion. Mr. Curley moves to approve \$6,375.95 to new equipment 444-60, Mr. Blade seconds the motion.

In the county planning process in the clause for line of succession, all positions have been accounted for with the exception of the Director. Mr. Setliff feels this position should be filled by someone within the organization based on longevity and knowledge of the job. He is not requesting an increase but would like to submit a letter at a later time to increase that job by one step. Mr. Roman agrees with Mr. Setliff's assessment and suggests he meet with the Commissioners and brings it back to the Council at a later date.

Mr. Setliff would like to address the Council concerning a county-city wide warning system. He realizes the shortness of funds but feels this should be a unified effort between the city and the county to get a warning system into place. Mr. Decker advised Mr. Setliff to get some information as to what some of the other counties in Indiana are doing to respond to this situation.

Mr. Dave Reeves, Vigo County Building Inspection, requesting an additional appropriation of \$10,000 for clean up and maintenance of county owned properties. Mr. Curley moves to approve the appropriation Mr. Blade seconds the motion. Mr. Roman asked if the owners of the property would have to reimburse the county. Mr. Reeves said these properties will more than likely go up for tax sale.

Mr. Bryan requesting a transfer of \$15,000 for additional temporary help on behalf of the highway department. Mr. Roman moves to approve the transfer of funds, Mr. Blade seconds the motion.

Mr. Bramble, Auditor, requesting additional appropriations in the Commissioners budget for social security for the Linton Township trustee salary increase.

Proposals from the council began with Mr. Curley. Mr. Curley would like an update on the last several weeks of dealing with the two employees in the auditor's office. He has heard a lot of rumors and has received numerous phone calls including the weekend. He would like the Council and the public to be enlightened on what has taken place and what is going on. Mr. Chris Newton, county attorney advised against discussing these issues at this time and place. Mr. Blade too has received many calls from other departments that there have been many claims to vendors to county office holders have been up to 3-4 months late. We have vendors who have cancelled accounts with many office holders and once the payment is made have to go back in and redo. He is receiving the information he is not asking for it. He asked if the books have been reconciled for 2003. Mr. Bramble replied that they have. The Council members would like to know why in

many instances a lot of information expressed in council calls has not shown up in the minutes. Mr. Bramble asked for specific instances. Mr. Blade also stated that when the council ask for specific information that they receive it in a timely fashion. Mr. Bramble again asked for specific instances. Mr. Blade would not go into detail, he said he does not have to go into detail. He said the Council is the fiscal body and any fiscal decisions are made by this body and this body only. Mr. Roman does not understand the nature of this conversation. He agrees with the attorney that none of this has any substance that cannot be met by the meeting with the commissioners and the order. The only incident he can recall not getting information was the cash balances report. We have gotten these and have not referred to these once in the last year. He would like to move on and not get into personality issues or conflicts. He agrees with the attorney that this is neither the time nor the place. Mr. Decker said there have been concerns that the Council sets certain procedures and those are followed in some cases but not in all cases. He would suggest before the next meeting to get a meeting set up with those parties involved and Mr. Newton and bring that information forward in a manner more appropriate and more professional. Mr. Bramble said that if there is a specific problem, tell him what it is and he'll fix it and that maybe these people are calling the wrong person for answers. Mr. Scott questioned the raise of Ms. Kylissa Miller and whether it should have been brought before the Council. Mr. Newton confirmed the raise was in compliance with the Salary Ordinance.

Mr. Scott stated that with the new computer system the Auditor's office was supposed to eliminate 2 positions. In 2000, the Auditor's office employed eighteen people, they now employ fifteen.

Mr. Decker called for comments from the Public Ms. Louise Anderson Vigo County Health Department discussed her situation on a recent transfer request from two employees. Two employees requesting transfer , one a lateral transfer, the other would have moved up a step. As it turned out the lateral transfer was the best that was the most qualified.

Mr. Anderson discussed the problems getting concessionaires for the Fair. We had a few say they were not coming to the fair this year because the fees were so high. We tried to replace them but the Board of Health said this must be done 30 days prior to the fair and we were already into that time frame. There are several tiers of fees. The Fair Board has kept our fees down to promote local organizations getting in.

Mr. Bramble stated that the present system is approaching 10 years old and realistically those positions should be reevaluated every 5 or so years. Mr. Anderson said that the Council has created the "monster" in the classification system. If the Council had kept it the way it was designed it would have worked. Mr. Roman stated that this system works for many other local businesses. The system is not failing, the Council is failing it. This system is much better than what we had prior to this. We still need to iron this out. Ms. Judy Anderson, Vigo County commissioner stated that it would not do any good for the Council to conduct a study. A study was done before this classification system was adopted . It cost \$60,000. Ms Anderson feels if the Council does not implement the

system as it was designed then money would be wasted on another study. Mr. Roman stated that there was not a mention of a study it was a deliberation amongst the existing Council and the commissioners. No study was every mentioned nor would Mr. Roman support another study.

Comments from the Public. Mr. Bill Miller, taxpayer, asked if the budget work would be in August. Mr. Decker responded that was correct. It will be advertised and anyone interested is welcome to sit in on it. There will not be a regular August or September meeting. August we will be working on the budget and in September we will be adopting the budget. They are all advertised meetings.

Mr. Decker asked if the public could pick up an agenda of the meeting prior to the meeting. Ms. Kylissa Miller responded that those agendas could be obtained from the Auditor's office. This may also be available on the web site.

Meeting adjourned at 8:45 p.m.

MOTIONS

Minutes of the June 15, 2004 Meeting-Mr. Scott moves to approve the minutes of the June 15, 2004 meeting as corrected to include the elimination of the 412-10 position in the auditor office. Ms. Miller seconds the motion. All members voting aye, the motion passes.

Resolution 2004-3-Mr. Roman moves to approve the Resolution 2004-3 which grants the Commissioners the authority to approve the formation of regional sewer districts, Ms. Miller seconds the motion. All members voting aye, the motion passes.

Resolution 2004-4-Mr. Roman moves to approve the Resolution 2004-4 on the transfer or exchange of property, Mr. Curly seconds the motion. All members voting aye, the motion passes.

Property Tax Statement- Mr. Scott moves to have the property tax bills state what taxpayers are saving due to CAGIT tax, Mr. Curley seconds the motion. All members voting aye, the motion passes.

Council Call Meeting Minutes – Mr. Scott moves that the meeting minutes be transcribed in its entirety, Mr. Curley seconds the motion. All members voting aye, the motion passes.

Drug Task Force Seized Asset- Mr. Anderson moves to approve \$326 to 422-10 Maintenance supplies-Car Repairs, \$22,755 to 445-10 Equipment and \$763 to 442-00 Law Books, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Infraction Deferral- Mr. Anderson moves to approve \$7,000 to 430-10 Contractual Services, \$8,500 to 431-40 Grants, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Public Defender – Mr. Curley moves to approve the transfer of \$2,919.28 from 412-90 Investigator to 433-30 Contractual Services, Ms. Miller seconds the motion. All members voting aye, the motion passes.

EDIT Tax Fund-Ms. Miller moves to approve \$75,000 to 406-06 Seventh & Springhill Intersection, Mr. Blade seconds the motion. All members voting aye, the motion passes. Mr. Scott moves to approve \$750,000 to 406-07 Local Roads and Streets, Ms. Miller seconds the motion. All members voting aye, the motion passes. Mr. Blade moves to approve \$500,000 to 406-08 Industrial Park/Rail System, Ms. Miller seconds the motion. All members voting aye, the motion passes. Mr. Anderson moves to approve \$125,000 to 406-88 Canal Road Project, Mr. Blade seconds the motion. All members voting aye, the motion passes. Mr. Curley moves to approve \$150,000 to 423-30 Infrastructure/Signage, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Cumulative Bridge Fund- Mr. Anderson moves to approve \$75,000 to 406-13 Bi Annual Bridge Inspection, \$75,000 to 406-14 Small Structure Inspection, \$75,000 to 406-68 Miscellaneous Culverts/Stockpiles, \$125,000 to 406-69 Small Structure on Pennington, \$75,000 to 406-70 Rio Subdivision Entrance Pipe, \$125,000 to 406-73 Culverts-Greencastle (4) and Curry (2), \$75,000 to 406-75 Bridges 323, 323A Reconstruction, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Juvenile Justice Center Education- Mr. Curley moves to approve \$6,318 to 433-30 Contractual Services, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Linton Township Trustee/Assessor- Mr. Anderson moves to approve \$1,000 to 411-10 Trustee/Assessor, Ms. Miller seconds the motion. All members voting aye with a roll call vote, the motion passes.

Civil Defense- Mr. Roman moves to transfer \$6,376 from the dormant FEMA Fund to County General Fund, Mr. Scott seconds the motion. All members voting aye, the motion passes. Mr. Curley moves to approve \$6,376 to 444-60 New Equipment, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Building Inspection- Mr. Curley moves to approve \$10,000 to 443-15 Code Enforcement, Mr. Blade seconds the motion. All members voting aye, the motion passes.

Commissioners- Mr. Anderson moves to approve \$68 to 415-21 Social Security, Ms. Miller seconds the motion. All members voting aye, the motion passes.

Highway Department- Mr. Roman moves to approve a transfer of \$15,000 from 412-60 Tireman to 411-23 Temporary Help., Mr. Blade seconds the motion. All members voting aye, the motion passes.

Adjourn- Mr. Roman moves to adjourn the meeting at 8:45 p.m., Mr. Blade seconds the motion. All members voting aye, the motion passes.

Presented to the Vigo County Council, read in full and adopted as written this 20th day of July 2004.

AYE

NAY

_____	Brad Anderson	_____
_____	Cedric Blade	_____
_____	Tim P. Curley	_____
_____	Effie N. Miller	_____
_____	Turk Roman	_____
_____	Darrick C. Scott	_____

David W. Decker, President

Attest:

James W. Bramble
Auditor